

**JOHN DOE 4**  
**VS**  
**SHENANDOAH VALLEY JUVENILE CENTER**

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Deposition of  
*Kelsey Rebecca Wong*  
*August 22, 2018*

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August 22, 2018

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF VIRGINIA  
3 HARRISONBURG DIVISION

4 \_\_\_\_\_  
5 JOHN DOE 4, et al., by and through )  
6 their next friend, NELSON LOPEZ, )  
7 on behalf of themselves and all )  
8 persons similarly situated, )

9 Plaintiffs,) CASE NO.

10 v. ) 5:17-cv-0097

11 SHENANDOAH VALLEY JUVENILE CENTER )

12 COMMISSION, )

13 Defendant.)

14 \_\_\_\_\_

15

16 Deposition of KELSEY REBECCA WONG

17 Harrisonburg, Virginia

18 Wednesday, August 22, 2018

19 9:30 a.m.

20 Pages 1 - 225

21 Reported by: Karen L. Hart, RMR-CRR

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23

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**COPY**

1 necessary if we can't set the expectation upfront.

2 So they're posted throughout the facility based on  
3 the area where the child is.

4 Q. So what were the rules previously that you  
5 couldn't do?

6 A. There is a list of them on the previous  
7 resident orientation handbook. I can't remember all  
8 of them.

9 Q. Can you give me some examples?

10 A. It's been a long time since I've seen  
11 them.

12 Q. When did this change take place?

13 A. We implemented the new behavioral  
14 management program in August of 2016. We started  
15 redeveloping it in February of 2016.

16 Q. So is it still the case that, for example,  
17 kids must walk through the hallways with their hands  
18 behind their back?

19 A. Uh-huh, yes. Sorry.

20 Q. And what's the reason for that rule?

21 A. I think it's to maintain order in the  
22 hallways, to make sure that items on the wall -- just  
23 to maintain order in the hallways, I guess.

24 Q. What about the no talking at meals?

25 A. I think that is mainly a logistic reason,

1 programs were the previous behavioral management  
2 program had prescribed consequences or prescribed  
3 amount of time in a room depending on the incident  
4 that occurred or the charge, I guess, and there  
5 weren't -- there were positive behavioral enforcers,  
6 but they were expecting kids to be able to think a  
7 little bit more long term and have delayed  
8 gratification, which most of the kids that we work  
9 with can't wait that long. And so we wanted to  
10 provide more carrots for kids to have more positive  
11 behavioral incentives.

12 So we based our behavioral management  
13 program off of PBIS, the positive behavioral  
14 innovation support system, where you lay down a  
15 groundwork of behavioral expectations and then  
16 provide behavioral incentives not only daily but  
17 weekly, monthly, intermittent -- intermittently.

18 MS. LIEBERMAN: Can I have this marked?

19  
20 (Wong Deposition Exhibit No. 14 was marked  
21 for identification and attached to the transcript.)  
22

23 BY MS. LIEBERMAN:

24 Q. Ms. Wong, you have before you a document  
25 that has been marked as Wong Exhibit 14. I wonder if

1 Q. As a disciplinary response?

2 A. Yes.

3 Q. And there are two kinds, short term and  
4 indefinite. Short term is defined as less than eight  
5 hours.

6 A. I think it's up to 24 hours. It says less  
7 than eight hours but could be up to 24 hours.

8 Q. Right. Yes. Thank you.

9 Is that still the facility's concept of  
10 short-term isolation?

11 A. We don't have a term for short-term  
12 isolation in the new behavioral management program.

13 Q. Is -- do you have -- well, we'll get to  
14 that in a minute.

15 The second is indefinite, duration of more  
16 than 24 hours but not to exceed 72. Is that  
17 something that the facility still uses?

18 A. We don't have anything with that term for  
19 indefinite.

20 Q. And why did the facility decide to stop  
21 using a short-term and indefinite duration policy?

22 A. This is about the prescribed room time for  
23 a specific violation, and we wanted to move away from  
24 that because our idea is that kids will be more  
25 successful if they're in programming and returning



1 them to programming as soon as possible once they're  
2 calm.

3 Q. And in the old policy, it was a set time  
4 period they had to satisfy?

5 A. Yes.

6 Q. If you turn with me to the following page  
7 13, there should be some unnumbered pages with grids.  
8 Do you see those?

9 A. Yes.

10 Q. What are those?

11 A. This is a list of disciplinary measures  
12 used for violation of rules.

13 Q. And were these guidelines for staff?

14 A. Yes.

15 Q. And what were they intended to do?

16 A. To provide kind of a crosswalk of measures  
17 that can be used for offenses.

18 Q. It says which level of disciplinary  
19 measures will be used for a violation at the top.

20 A. Yes.

21 Q. Does that mean that staff were required to  
22 follow the designations in this grid?

23 A. They can follow any of the Xs.

24 Q. Or must they follow the Xs?

25 A. They should be following the Xs or